IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH CAROLINA ANDERSON DIVISION

Larry Moseley, # 273784,) C/A 8:04-1753-CMC-BHH
Plaintiff,)
v.	OPINION AND ORDER
P. Douglas Taylor, Warden at)
Ridgeland Correctional Institute;)
and William Bryan Dukes, Office of)
Attorney General of State of South)
Carolina,)
)
Defendants.)
	_)

This action is brought by a *pro se* Plaintiff seeking relief pursuant to 42 U.S.C. § 1983. In accordance with this court's order of reference and 28 U.S.C. § 636(b), this matter comes before the court with the Report and Recommendation of United States Magistrate Judge Bruce H. Hendricks.

This court is charged with making a *de novo* determination of any portion of the Report and Recommendation of the Magistrate Judge to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b).

Based on her review of the record, the Magistrate Judge has recommended that the action be dismissed for lack of prosecution because Plaintiff failed to provide the court with his projected max-out date despite having been advised by the Magistrate Judge by order filed May 26, 2005, and again on June 20, 2005, that failure to provide the requested information would result in

dismissal of this action for failure to prosecute.¹ The Magistrate Judge advised Plaintiff of the procedures and requirements for filing objections to the Report and Recommendation. Plaintiff has filed no objections and the time for doing so has expired.

After reviewing the complaint, the record, the applicable law, and the Report and Recommendation of the Magistrate Judge, the court agrees with the recommendation of the Magistrate Judge. Accordingly, the Report and Recommendation of the Magistrate Judge is adopted and incorporated by reference. This action is DISMISSED for lack of prosecution.

IT IS SO ORDERED.

s/ Cameron McGowan Currie CAMERON MCGOWAN CURRIE UNITED STATES DISTRICT JUDGE

Columbia, South Carolina August 17, 2005

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¹The envelope mailed to Plaintiff on June 21, 2005, at his last known address (Ridgeland Correctional Institution, P.O. Box 2039, Ridgeland, SC 29936) was returned to the court indicating that Plaintiff had been released from that facility.